

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

ALBERT FORD,

Plaintiff,

v.

JAMES BENDER, et al.

Defendants.

Civil Action No. 07-11457-JGD

**PLAINTIFF ALBERT FORD'S MOTION TO ATTEND HEARING**

Pursuant to 28 U.S.C. § 2241, Plaintiff Albert Ford respectfully moves this Court to allow his attendance at the hearing scheduled for November 17, 2009 11:00 am. In the alternative, Mr. Ford requests that he be permitted to attend the hearing by teleconference. In support of this motion, Mr. Ford states as follows:

1. On November 17, 2009, the Court will hear dispositive motions in Mr. Ford's case, including Plaintiff's Motion for Partial Summary Judgment and Defendants' Motions for Summary Judgment.

2. "It is within the sound discretion of the district court whether to order state authorities to bring a prisoner before the court for purposes of pursuing a civil action commenced by the prisoner." *Michaud v. Michaud*, 932 F.2d 77, 81 (1st Cir. 1991); *see also Stone v. Morris*, 546 F.2d 730, 735 (7th Cir. 1976) ("[I]t is within the discretion of the court to determine whether a prison inmate shall attend court proceedings held in connection with an action initiated by the inmate.").

2. Counsel for Defendant Bellotti, Mary Jo Harris, has assented to this Motion requesting Mr. Ford's attendance at the hearing.

3. Counsel for Department of Correction (“DOC”) Defendants, Julie Daniele, has assented to Mr. Ford’s attendance by teleconference. DOC Defendants’ counsel has not assented to Mr. Ford’s personal attendance at the hearing.

**WHEREFORE**, for the reasons stated above, Plaintiff Ford respectfully requests that the Court allow his attendance at the November 17, 2009 hearing in this case or, in the alternative, order his participation by teleconference.

Respectfully submitted,

ALBERT FORD

By his attorneys,

/s/ Dimple Chaudhary

Lisa J. Pirozzolo (BBO # 561922)

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Dated: November 5, 2009

**LOCAL RULE 7.1 CERTIFICATION**

I, Dimple Chaudhary, hereby certify, in accordance with Local Rule 7.1(A)(2), that on October 27 and November 3, 2009 counsel for Plaintiff Albert Ford, counsel for DOC Defendants Julie Daniele, and counsel for Mr. Bellotti Mary Jo Harris conferred regarding resolution of this motion. Counsel for Plaintiff Ford and counsel for DOC Defendants were unable to resolve this motion in its entirety.

/s/ Dimple Chaudhary  
Dimple Chaudhary BBO # 674845

**CERTIFICATE OF SERVICE**

I, Dimple Chaudhary, hereby certify that a true copy of the above document was served upon the attorney of record for each other party through the Court's electronic court filing (ECF) system, this 5th day of November, 2009.

/s/ Dimple Chaudhary  
Dimple Chaudhary BBO # 674845